



AGENDA
January 16th, 2025
Laurel Park Board of Adjustment

Hearing Location: Laurel Park Town Hall
Hearing Time: 4:00 p.m.

1. Call to Order
2. Approval of the Agenda
3. Approval of the Minutes
 - a. November 14, 2024
4. New Business
 - a. Oaths of Office
 - i. Mark Packard
 - ii. Paul Bell, alternate
 - b. Public Hearing for Variance Request – 641 Ransier Drive
 - c. Public Hearing for Variance Request – 320 Crystal Spring Drive
 - d. Discuss proposed changes to the UDO (Chapter 5 Nonconformities)
5. Adjournment



TOWN OF LAUREL PARK AGENDA ITEM SUMMARY

Title of Item: Public Hearing for Variance Request – 641 Ransier Drive

Presenter: Kaitland Finkle - Interim Planner

Attachment(s): Yes/No

- Variance Application
- Hardship Letter
- Site Photographs
- Aerial Site Plan
- Aerial Map of Laurel Park Jurisdiction

Summary of Item:

The owner of 641 Ransier Drive would like a variance to restore a nonconforming structure located between the primary front façade of the principal structure and the street setback line. The lot is identified on the records of the Henderson County Mapping Office as PIN 9558735771. The lot is in the R-20 zoning district, with an estimated acreage of 1.25 acres, and an average slope of 23%.

Accessory structures are permitted in the R-20 zoning district provided they meet the applicable setbacks which are a street setback of thirty-five (35) feet and side and rear setbacks of fifteen (15) feet according to Section 2.6.3. All setbacks can be met, with the front being more than 50 foot setback and the side being more than 70 foot setback.

Section 2.6.3 note nine (note/9) points out that, “Except for fences, walls, and features identified in section 2.4.8: Allowable Encroachments into setbacks, detached accessory structures shall not be located between the primary front façade of the principal structure and a street setback line.” The existing garage was located between the principal structure and Ransier Drive.

Section 5.3.4 Restoration states “If a nonconforming structure other than a manufactured or mobile home is damaged or destroyed by any means to an extent of 75 percent or more of its replacement cost or size, it may only be reconstructed in accordance with the requirements of this Ordinance.

The structure has been demolished as a result of severe tree damage that occurred during Hurricane Helene. The owner wishes to replace the 12’ x 20’ structure in the same location to provide much needed storage for the tenants on site, given the small size (1,180 sq ft) of the home built in 1945.

Suggested Action Requested: Staff requests that the board review and discuss.

Suggested Motion: Motion to approve, approve contingent upon any conditions, or deny the variance application.

VARIANCE APPLICATION FORM

Town of Laurel Park • 441 White Pine Drive • Laurel Park, NC 28739 • P. 828-693-4840 • F. 828-696-4948

APPLICATION PAGE 1 OF 5

APPLICATION LAST UPDATED: 8.28.23



1. THINGS TO KNOW ABOUT THE ZONING/SUBDIVISION VARIANCE PROCEDURE

1. The variance review procedure is described in Section 6.3.20 of the Laurel Park Unified Development Ordinance.
2. A variance application may be filed to request relief from dimensional requirements, development standards, or watershed requirements, stormwater requirements in the UDO.
3. A variance may be used to request relief from a use standard or other development requirement as part of a reasonable accommodation to allow a person with a disability to have access to housing as allowed under the federal Fair Housing Act.
4. A variance may not be used to alter the allowable uses in a zoning district or deviations in applicable conditions of approval.
5. A variance application may not be filed with an application for a planned development.
6. A pre-application conference is mandatory prior to submission of an application for a variance.
7. Applicants are required to demonstrate a hardship (that is not self-imposed) for approval of a variance. Financial hardship is not a valid criteria for the approval of a zoning/subdivision variance.
8. Variances to the special flood hazard area standards are processed in accordance with Chapter 152 of the Town Code of Ordinances.
9. Water-related variances from the watersupply watershed regulations are classified as major or minor. Major variances from the watersupply watershed regulations are decided by the North Carolina Environmental Management Commission following a recommendation by the BOA.
10. Applications for a variance shall require submittal of a Site Plan.
11. In cases where a development application (e.g., a site plan) requires approval of a variance, the variance shall be reviewed and decided prior to review of other aspects of the development application.

2. GENERAL APPLICANT INFORMATION

A. Parcel Information

1. Parcel Address: 641 Ransier Drive

2. Parcel Identification Number: 9558-73-5771

3. Lot Area/Acreage: 1.25

4. Base Zoning District: R-20

5. Overlay Zoning District (if applicable): None

B. Primary Point of Contact Information

1. Primary Point of Contact Name: Ann Kirkley

2. Mailing Address: 695 Ransier Drive Hendersonville NC 28739

3. Phone: 828-692-4701

4. Email: makirkley@yahoo.com

VARIANCE APPLICATION FORM

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APPLICATION PAGE 2 OF 5

APPLICATION LAST UPDATED: 8.28.23



3. DESCRIPTION OF REQUEST

(Please complete the following)

1. Is this application associated with another application? Yes No

If yes, what kind of application?

2. Is this site subject to any approved administrative adjustments? Yes No

If yes, what is the case number (please list all):

3. Please select the type of standards being varied (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Lot coverage | <input type="checkbox"/> Off-street parking/loading/circulation standard |
| <input type="checkbox"/> Lot area | <input type="checkbox"/> Landscaping standard |
| <input type="checkbox"/> Lot width | <input type="checkbox"/> Fence/wall standard |
| <input checked="" type="checkbox"/> Minimum yard/setback 2.6.3 | <input type="checkbox"/> Exterior lighting standard |
| <input type="checkbox"/> Height (9) | <input type="checkbox"/> Signage |
| <input type="checkbox"/> Stormwater | <input type="checkbox"/> Water supply watershed |
| <input type="checkbox"/> Flood damage prevention | <input type="checkbox"/> Reasonable accommodation |
| <input type="checkbox"/> Other (please specify below): | <input type="checkbox"/> Design standard |
- S.3.4 Restoration

4. Please list the section(s) of the UDO from which the variance is being requested (please list all that apply):

5. Please explain, in detail, the variance you are requesting and why it is needed. Please limit this discussion to facts and the hardships that would be created by strict adherence to the UDO:

Attach additional sheets if necessary.

Attached

6. Please identify the zoning district designation and existing use of land for all adjacent properties, including those across the street:

Attach additional sheets if necessary.

R-20 & County R-3

7. Is the property exceptionally narrow, shallow or does it have an exceptional size or shape that existed prior to the effective date of this zoning ordinance? Yes No

If yes, please describe below:

Attach additional sheets if necessary.

Attached

VARIANCE APPLICATION FORM

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APPLICATION PAGE 3 OF 5

APPLICATION LAST UPDATED: 8.28.23



8. Does the property have exceptional topographic conditions or some other extraordinary situation or condition that makes it unlike other properties in the immediate vicinity? Yes No

If yes, please describe below:

Attached

Attach additional sheets if necessary.

9. Is there some particular condition, situation, or development on the property immediately adjacent to the subject property that affects the subject property's ability to comply with the regulations you are seeking a variance from? Yes No

If yes, please describe below:

Attached

Attach additional sheets if necessary.

10. Please provide a written description of any hardship(s) and how such hardship(s) is not self-imposed:

Attached

Attach additional sheets if necessary.

11. Please describe how the development subject to the requested variance will be in harmony with the general purpose and intent (see Chapter 1) of the UDO:

Attached

Attach additional sheets if necessary.

12. Explain any potential negative external impacts that may result from the proposed variance, and how they will be mitigated:

None

Attach additional sheets if necessary.

13. For sign variances, explain how this variance does not confer any special privilege that is denied to similar lands.

Attach additional sheets if necessary.

14. For sign variances, explain how the variance amount requested is the absolute minimum that will allow reasonable use of the land:

Attach additional sheets if necessary.

4. SUBMITTAL CHECKLIST

(Please ensure your application includes 3 paper copies and 1 digital (pdf) copy of all of the following)

1. Pre-application conference completed

2. Variance application form

3. Application fee

Waived per Helene

4. Copy of the deed for subject property(ies)

5. Locations, square footages, and dimensions of all existing and proposed structures 12x20

VARIANCE APPLICATION FORM

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APPLICATION PAGE 4 OF 5

APPLICATION LAST UPDATED: 8.28.23



- | | |
|---|--------------------------|
| 6. All minimum and maximum setbacks, including build-to lines | <input type="checkbox"/> |
| 7. Easement types, locations, and dimensions | <input type="checkbox"/> |
| 8. Locations and sizes of driveways, parking areas | <input type="checkbox"/> |
| 9. An elevation drawing showing proposal building facades when variances to design standards are requested | <input type="checkbox"/> |
| 10. Applications for a variance shall require submittal of a Site Plan and any additional information determined to be necessary by the Town. | <input type="checkbox"/> |

5. APPLICANT SIGNATURE

I certify that the information provided on this application form is complete and accurate to the best of my knowledge. I hereby authorize Town officials to enter the subject property for the purposes of determining compliance.

If there are multiple land owners or applicants, a signature is required for each.

Land Owner or Authorized Signature: Margaret Anne Kirkley
 Date: 11/21/2024

Land Owner or Authorized Signature: _____
 Date: _____

Land Owner or Authorized Signature: _____
 Date: _____

OFFICE USE ONLY

Project #:
Associated Project #:
Received By:
Filing Date:
Accepted as Complete By:
Complete Date:
Decision:
Decision By:
Decision Date:

The hardship would be somewhere to park the car out of the weather and store gardening tools. The hardship resulted from trees falling on the garage completely destroying it. The hardship was caused by Hurricane Helene.

I want to rebuild the one car garage in the same footprint that was there previously on a concrete slab which is still there but cracked from the trees hitting it. There is no other area on which to rebuild as the land is so steep and I believe the septic is on the other side of the home.

The renters kept their garbage cans in the garage. Now with no protection bears are getting into the trash and spreading it around the area. This also attracts foxes and raccoons which carry rabies. Never mind the unsightliness of the situation.

The property is fronted and backed by Ransier Drive making the primary front façade difficult to determine. You enter from the back, where the garage sat, but the house fronts the lower road.

The directly adjacent neighbors, at 593 Ransier Drive, also have a one car garage on a concrete base in front of their home which does not abut two streets.





GoMaps



January 7, 2025

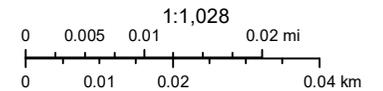
Streets and Highways

- FREEWAY
- INTERSTATE
- BOULEVARD

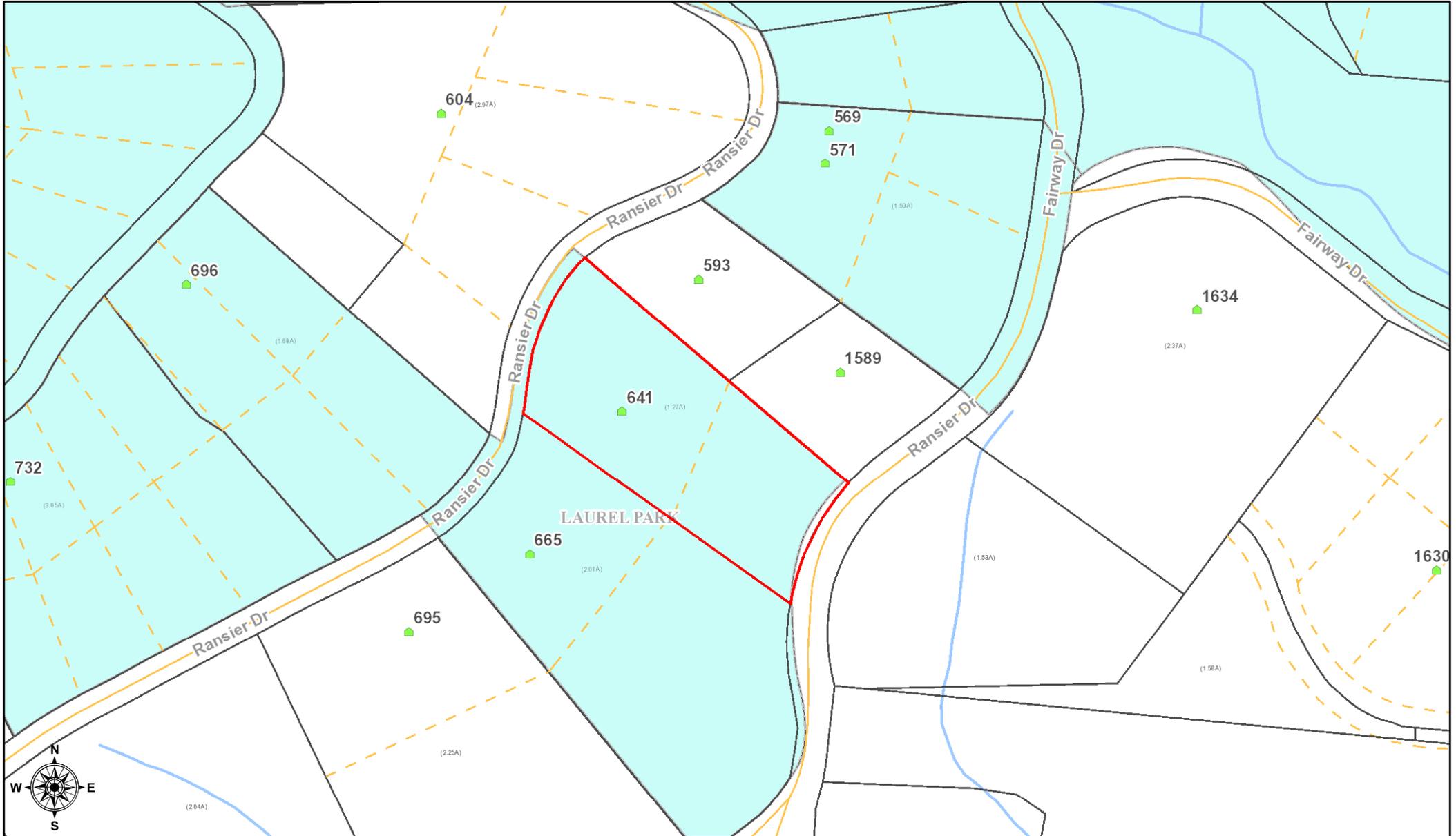
- THOROUGHFARE
- COLLECTOR
- Local Roads
- Parcels

THIS IS NOT A SURVEY.

All information or data provided, whether subscribed, purchased or otherwise distributed, whether in hard copy or digital media, shall be at the user's own risk. Henderson County makes no warranties or guarantees, including the warranties of merchantability or of fitness for a particular purpose. Map data is not appropriate for, and is not to be used as, a geodetic, legal, or engineering base system. The data is not intended as a substitute for surveyed locations such as can be determined by a registered Public Land Surveyor, and does not meet the minimum accuracy standards of a Land Information System/Geographic Information System Survey in North Carolina (21 NCAC 56.1608).



GoMaps



January 7, 2025

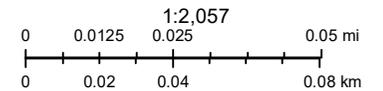
Streets and Highways

- FREEWAY
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TOWN OF LAUREL PARK AGENDA ITEM SUMMARY

Title of Item: Public Hearing for Variance Request – 320 Crystal Spring Drive

Presenter: Kaitland Finkle – Interim Planner

Attachment(s): Yes/No

- Variance Application
- Hardship Letter
- Aerial Map of Subject Parcel
- Site Plan
- County Tax Building Sketch
- Setback Area
- Site Photographs

Summary of Item:

The owner of 320 Crystal Spring Drive would like a variance from the street setback and a variance from the side setback and to restore a nonconforming structure. The lot is identified on the records of the Henderson County Mapping Office as PIN 9558873316. The lot is in the R-20 zoning district, with an estimated acreage of .28 acre, and an average slope of 8%.

Principal structures are permitted in the R-20 zoning district provided they meet the applicable setbacks which are a street setback of thirty (30) feet and side setback of twenty (20) feet according to Section 2.6.3.

Section 5.3.4 Restoration states “If a nonconforming structure other than a manufactured or mobile home is damaged or destroyed by any means to an extent of 75 percent or more of its replacement cost or size, it may only be reconstructed in accordance with the requirements of this Ordinance.

The 924 square foot home was built in 1955 and had 3 additions (prior to 1998) increased the square footage to 1,518 square feet. It has been demolished as a result of severe tree damage that occurred during Hurricane Helene. The owner wishes to replace the home in the same location with the same footprint.

Suggested Action Requested: Staff requests that the board review and discuss.

Suggested Motion: Motion to approve, approve contingent upon any conditions, or deny the variance application.

VARIANCE APPLICATION FORM

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APPLICATION PAGE 1 OF 5

APPLICATION LAST UPDATED: 8.28.23



1. THINGS TO KNOW ABOUT THE ZONING/SUBDIVISION VARIANCE PROCEDURE

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2. A variance application may be filed to request relief from dimensional requirements, development standards, or watershed requirements, stormwater requirements in the UDO.
3. A variance may be used to request relief from a use standard or other development requirement as part of a reasonable accommodation to allow a person with a disability to have access to housing as allowed under the federal Fair Housing Act.
4. A variance may not be used to alter the allowable uses in a zoning district or deviations in applicable conditions of approval.
5. A variance application may not be filed with an application for a planned development.
6. A pre-application conference is mandatory prior to submission of an application for a variance.
7. Applicants are required to demonstrate a hardship (that is not self-imposed) for approval of a variance. Financial hardship is not a valid criteria for the approval of a zoning/subdivision variance.
8. Variances to the special flood hazard area standards are processed in accordance with Chapter 152 of the Town Code of Ordinances.
9. Water-related variances from the watersupply watershed regulations are classified as major or minor. Major variances from the watersupply watershed regulations are decided by the North Carolina Environmental Management Commission following a recommendation by the BOA.
10. Applications for a variance shall require submittal of a Site Plan.
11. In cases where a development application (e.g., a site plan) requires approval of a variance, the variance shall be reviewed and decided prior to review of other aspects of the development application.

2. GENERAL APPLICANT INFORMATION

A. Parcel Information

1. Parcel Address: 320 Crystal Spring Drive
2. Parcel Identification Number: 9558-87-3316
3. Lot Area/Acreage: .28
4. Base Zoning District: R-20
5. Overlay Zoning District (if applicable): N/A

B. Primary Point of Contact Information

1. Primary Point of Contact Name: FRANCES FAYE MILES
2. Mailing Address: 320 CRYSTAL SPRING DR. HENDERSONVILLE, NC 28739
3. Phone: 828-674-4634
4. Email: mmiles320@hotmail.com



VARIANCE APPLICATION FORM

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APPLICATION PAGE 2 OF 5

APPLICATION LAST UPDATED: 8.28.23



3. DESCRIPTION OF REQUEST

(Please complete the following)

1. Is this application associated with another application? Yes No
If yes, what kind of application?

2. Is this site subject to any approved administrative adjustments? Yes No
If yes, what is the case number (please list all):

3. Please select the type of standards being varied (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Lot coverage | <input type="checkbox"/> Off-street parking/loading/circulation standard |
| <input type="checkbox"/> Lot area | <input type="checkbox"/> Landscaping standard |
| <input type="checkbox"/> Lot width | <input type="checkbox"/> Fence/wall standard |
| <input checked="" type="checkbox"/> Minimum yard/setback | <input type="checkbox"/> Exterior lighting standard |
| <input type="checkbox"/> Height | <input type="checkbox"/> Signage |
| <input type="checkbox"/> Stormwater | <input type="checkbox"/> Water supply watershed |
| <input type="checkbox"/> Flood damage prevention | <input type="checkbox"/> Reasonable accommodation |
| <input type="checkbox"/> Other (please specify below): | <input type="checkbox"/> Design standard |

4. Please list the section(s) of the UDO from which the variance is being requested (please list all that apply):

2.6.3 30' street setback
20' side / Rear setback

5. Please explain, in detail, the variance you are requesting and why it is needed. Please limit this discussion to facts and the hardships that would be created by strict adherence to the UDO:

SEE ATTACHED LETTER

Attach additional sheets if necessary.

6. Please identify the zoning district designation and existing use of land for all adjacent properties, including those across the street:

R-20, SF R

Attach additional sheets if necessary.

7. Is the property exceptionally narrow, shallow or does it have an exceptional size or shape that existed prior to the effective date of this zoning ordinance? Yes No

If yes, please describe below:

SEE ATTACHED LETTER

Attach additional sheets if necessary.

VARIANCE APPLICATION FORM

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APPLICATION PAGE 3 OF 5

APPLICATION LAST UPDATED: 8.28.23



8. Does the property have exceptional topographic conditions or some other extraordinary situation or condition that makes it unlike other properties in the immediate vicinity? Yes No

If yes, please describe below:

SEE ATTACHED LETTER

Attach additional sheets if necessary.

9. Is there some particular condition, situation, or development on the property immediately adjacent to the subject property that affects the subject property's ability to comply with the regulations you are seeking a variance from? Yes No

If yes, please describe below:

SEE ATTACHED LETTER

Attach additional sheets if necessary.

10. Please provide a written description of any hardship(s) and how such hardship(s) is not self-imposed:

SEE ATTACHED LETTER

Attach additional sheets if necessary.

11. Please describe how the development subject to the requested variance will be in harmony with the general purpose and intent (see Chapter 1) of the UDO:

SEE ATTACHED LETTER

Attach additional sheets if necessary.

12. Explain any potential negative external impacts that may result from the proposed variance, and how they will be mitigated:

None

Attach additional sheets if necessary.

13. For sign variances, explain how this variance does not confer any special privilege that is denied to similar lands:

Attach additional sheets if necessary.

14. For sign variances, explain how the variance amount requested is the absolute minimum that will allow reasonable use of the land:

Attach additional sheets if necessary.

4. SUBMITTAL CHECKLIST

(Please ensure your application includes 3 paper copies and 1 digital (pdf) copy of all of the following)

1. Pre-application conference completed

2. Variance application form

3. Application fee

4. Copy of the deed for subject property(ies)

5. Locations, square footages, and dimensions of all existing and proposed structures

VARIANCE APPLICATION FORM

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APPLICATION PAGE 4 OF 5

APPLICATION LAST UPDATED: 8.28.23



- | | |
|---|-------------------------------------|
| 6. All minimum and maximum setbacks, including build-to lines | <input checked="" type="checkbox"/> |
| 7. Easement types, locations, and dimensions | <input checked="" type="checkbox"/> |
| 8. Locations and sizes of driveways, parking areas | <input checked="" type="checkbox"/> |
| 9. An elevation drawing showing proposal building facades when variances to design standards are requested | <input type="checkbox"/> |
| 10. Applications for a variance shall require submittal of a Site Plan and any additional information determined to be necessary by the Town. | <input checked="" type="checkbox"/> |

5. APPLICANT SIGNATURE

I certify that the information provided on this application form is complete and accurate to the best of my knowledge. I hereby authorize Town officials to enter the subject property for the purposes of determining compliance.

If there are multiple land owners or applicants, a signature is required for each.

Land Owner or Authorized Signature: Francis Doye Mills

Date: 12-12-2024

Land Owner or Authorized Signature: _____

Date: _____

Land Owner or Authorized Signature: _____

Date: _____

OFFICE USE ONLY

Project #:

Associated Project #:

Received By: Kaitland Finkle

Filing Date: 12/12/24

Accepted as Complete By: Kaitland Finkle

Complete Date: 12/12/24

Decision:

Decision By:

Decision Date:

VARIANCE APPLICATION FORM

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APPLICATION PAGE 5 OF 5

APPLICATION LAST UPDATED: 8.28.23



Pre-application Conference Date (if conducted): 12/12/24

Notes/Comments:

Requesting existing footprint

To the Board of Adjustment:

I am Frances Missy Miles and I was a fortunate kid. I was able to come here to summer camp at age 15, and I fell in love with these mountains. Spending summers as a camp counselor helped me find my calling to be a teacher. I moved here after college graduation and became a sixth-grade language arts and social studies teacher. My thirty-year career began in Transylvania County and ended at Flat Rock Middle School. During the first half of my career, I rented places to live. In 1997 I began to look for a home to own, and I closed on my house on January 2, 1998.

I have lived at 320 Crystal Spring Drive in Laurel Park for twenty-six years. Hurricane Helene brought down a large pine tree and a large white oak tree onto my home and vehicle on the morning of September 27, 2024. Tree damage totaled the car and made the house unlivable. Kind neighbors took me in until a long-term rental property was secured for me by my insurance company. The insurance adjuster deemed the house a large loss, and as I prepare to move forward, I am requesting a variance from the current setback ordinances pertaining to rebuilding a single-family residence on my property.

The property I purchased is 0.28 acres, and the home I lived in had been built in 1955. The living area measured 924 square feet. Three additions, a garage, patio, and screened porch, had been attached to the home before I purchased it in 1998. Those additions increased the square footage to 1518 square feet. No additions were added by me. The home and foundation have already been demolished due to being deemed structurally unsound, but the pre-existing footprint would not comply with the current setback ordinances. It is my opinion that the strict application of the current setback ordinances will create unnecessary hardship.

The unnecessary hardship results from conditions that are peculiar to the property, specifically in its shape and location. The lot is triangular and is bordered on two sides by Crystal Spring Drive and Walnut Loop Road. The third side borders the residence at 316 Crystal Spring Drive. Given the 30 ft. right-of-way and the 30 ft. setback from each right-of-way plus the 20 ft. setback from the bordering property, the area left to build within is triangular and approximately 33 feet wide at the largest span. As the triangle narrows, the space left behind by these setbacks creates a challenge for even a small home design. Additionally, the location of the current septic tank and drain field would likely not accommodate an almost square small home design that could meet the setback ordinances.

The unnecessary hardship is not general to the neighborhood or community. Other homes also sit between Crystal Spring Drive and Walnut Loop Road, but those properties are not triangular in shape.

The unnecessary hardship is not self-created. A natural disaster ruined my home, a home that had been built and added to long before the current setback ordinances were put into place.

My request for a variance is to allow me to rebuild a small, single level, two-bedroom, one bathroom home on a small lot in lower Laurel Park. I hope to rebuild within the footprint of what existed before Hurricane Helene. I plan to use the same driveway access which will ensure no changes to traffic patterns or sight lines ensuring public safety.

I respect the intention of creating setbacks. I have lived in the area since 1983 and in Henderson County since 1993. I have witnessed the growth and change in our area. Preserving the character of Laurel Park with necessary ordinances makes sense, and the small home I wish to build will fit with and add to that character and be in harmony with the neighborhood.

If I am unable to rebuild, I fear loss of my property's value or significant loss in the sale of the property. I am requesting substantial justice be given in allowing me to rebuild my home to remain on the property.

As I taught school, I often worked a second job, and that has led me to be an employee with Mast General Store on Main Street for the past 22 years. I love the mountains, I love this community, and I love my neighborhood. I consider Hendersonville and Laurel Park home, and I hope you'll be able to allow me to stay there.

Respectfully,

A handwritten signature in cursive script that reads "Frances Miles".

Frances Miles

GoMaps



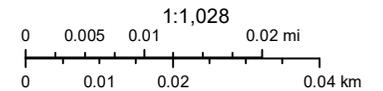
January 7, 2025

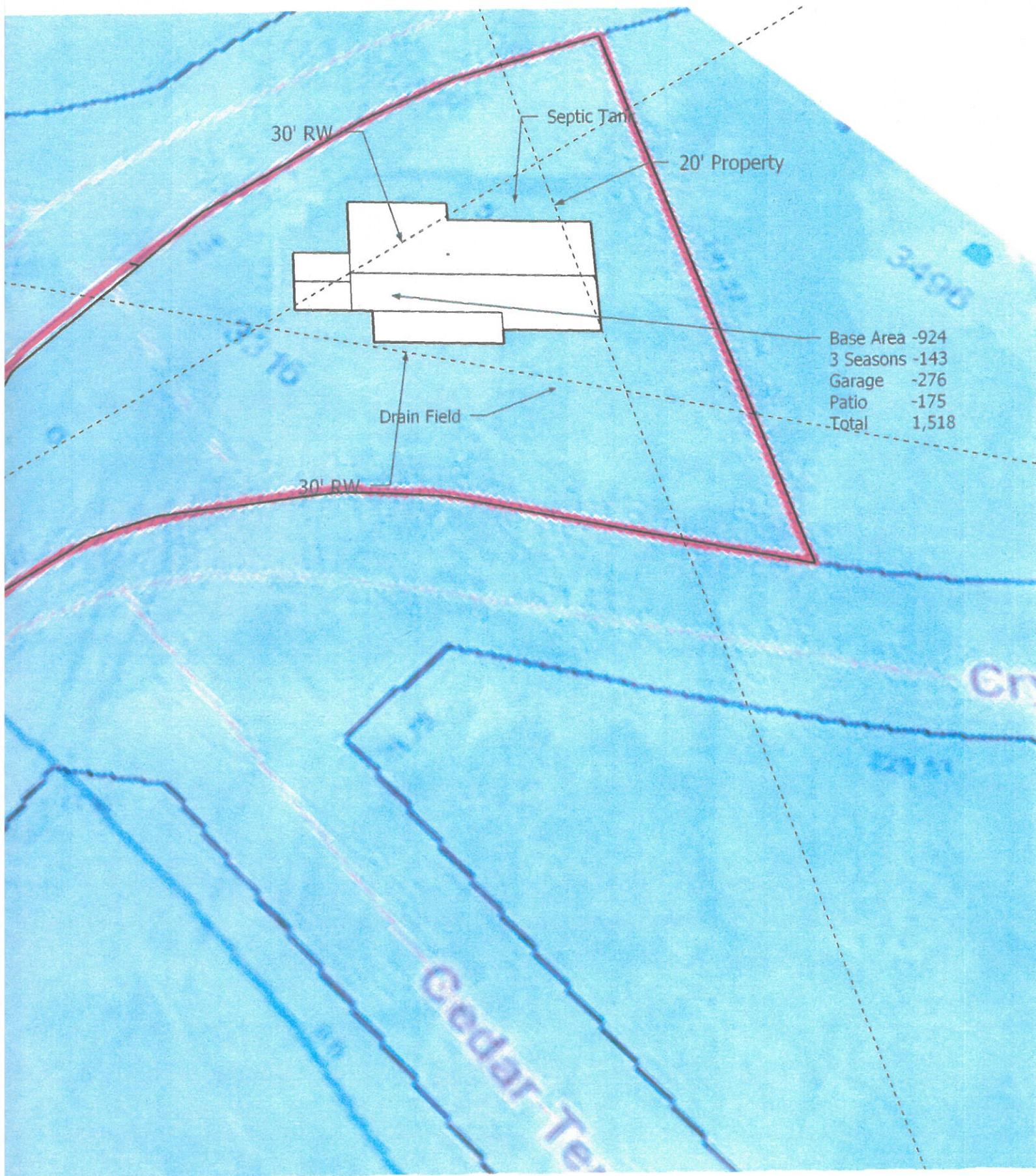
Streets and Highways

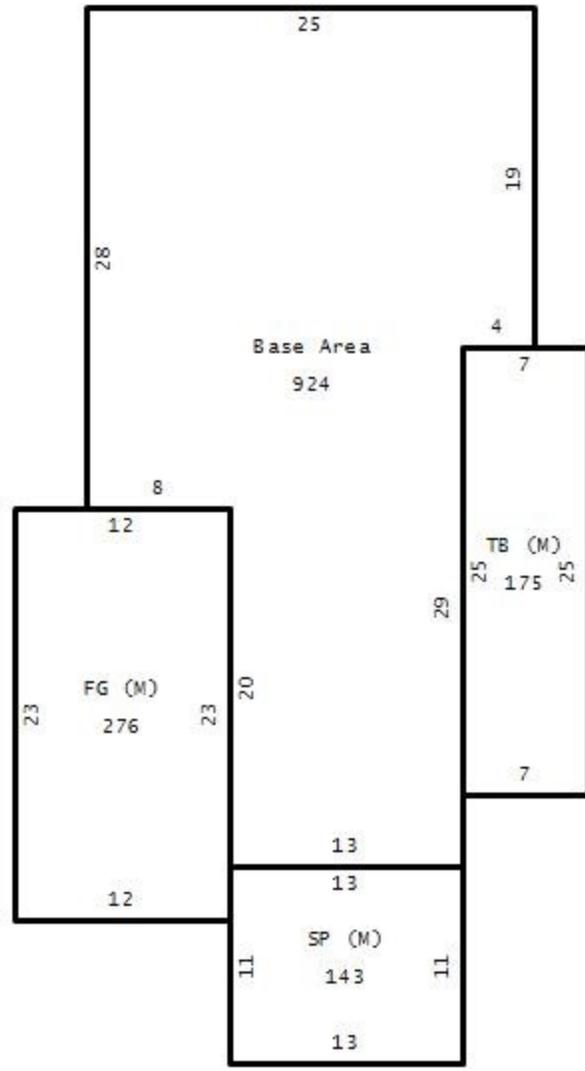
-  FREEWAY
-  INTERSTATE
-  BOULEVARD
-  THOROUGHFARE
-  COLLECTOR
-  Local Roads
-  Parcels

THIS IS NOT A SURVEY.

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Total 12,196 sf or .28 acre

Net Sq ft

2,122 sf = 17% of total property

520

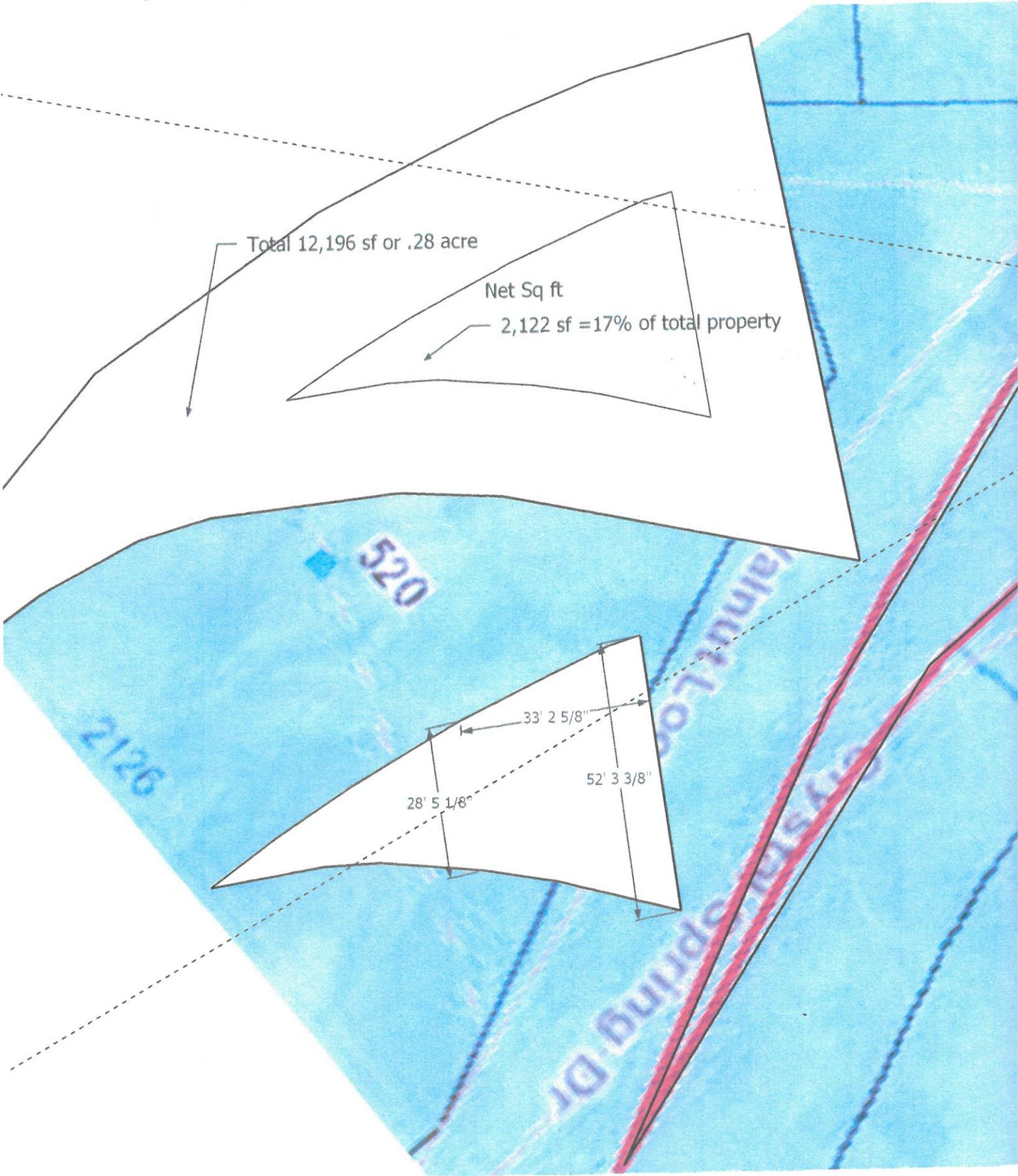
2126

1007 Avenue
Crystal Springs Dr

33' 2 5/8"

52' 3 3/8"

28' 5 1/8"









TOWN OF LAUREL PARK AGENDA ITEM SUMMARY

Title of Item: Text Amendment for restoration of nonconforming structures

Presenter: Kaitland Finkle – Interim Planner

Attachment(s): Yes/No

Summary of Item:

Staff have received multiple Zoning Permit Applications to rebuild nonconforming structures destroyed during Hurricane Helene. The Town Council is holding a Public Hearing on Tuesday January 21st, at 9:30 AM to consider the following:

Staff and Planning Board Recommendation:

5.2.5.A: SIGNIFICANT DAMAGE

1: Except for single-family dwellings, a nonconforming use that is damaged by fire, explosion, flood, or other calamity in an amount equal to 51 percent or more of the use's current assessed value or total square footage may not be restored or reconstructed, except as a conforming use.

~~2: Nonconforming single family dwellings damaged by fire, explosion, flood, or other calamity in an amount equal to 51 percent or more of the use's current assessed value or total square footage may be restored or reconstructed to their pre damage condition. In no instance shall the degree of nonconformity be extended, expanded, enlarged, or the use be altered in any way that increases the degree of nonconformity.~~

Additional Staff Recommendation:

5.3.4: RESTORATION

~~If a nonconforming structure other than a manufactured or mobile home is damaged or destroyed by any means to an extent of 75 percent or more of its replacement cost or size, it may only be reconstructed in accordance with the requirements of this Ordinance. Nonconforming single-family dwellings damaged by fire, explosion, flood, or other calamity may be restored or reconstructed to their pre-damage condition. In no instance shall the degree of nonconformity be extended, expanded, enlarged, or the use be altered in any way that increases the degree of nonconformity. Taken from 5.2.5.A.2 removing assessed value and square footage threshold.~~

Planning Board Recommendation:

5.3.4: RESTORATION

~~If a nonconforming structure other than a manufactured or mobile home is damaged or destroyed by any means to an extent of 75 percent or more of its replacement cost or size, it may only be reconstructed in accordance with the requirements of this Ordinance. Nothing herein shall prevent the reconstruction of a nonconforming structure that was involuntarily destroyed, provided such reconstruction does not extend, expand, enlarge, or alter the use in any way that increases the degree of nonconformity.~~

Suggested Action: N/A

Suggested Motion: N/A